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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,429

04/16/2004

Gregory Niles

18602-08907 (P3334)

9991

61520 7590 12/09/2008

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EXAMINER

ABDUL-ALI, OMAR R

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/826,429</p>	<p><b>Applicant(s)</b> NILES ET AL.</p>	
	<p><b>Examiner</b> OMAR ABDUL-ALI</p>	<p><b>Art Unit</b> 2178</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9,11-42,44-77,79-104,112 and 120.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Stephen S. Hong/  
Supervisory Patent Examiner, Art Unit 2178

/Omar Abdul-Ali/  
Examiner, Art Unit 2178

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues, "Neither Zhao nor Weaver discloses, teaches, or suggests the claimed element "an output device for displaying a timeline display, the timeline display comprising: an overview layer...;and for each media clip, a track...wherein the track and the overview layer are concurrently displayed. Applicant further notes, "The Examiner argues that Weaver makes it "obvious" to concurrently display Zhao's timeline pane and layer pane." The Weaver reference is relied upon to teach an overview layer (nested source) 506 which is concurrently displayed with a track (the nested source contains three events: 502, 503, and 504). The nested source contains the three events, and is displayed with the three tracks in Figure 5, showing that the track and overview layer are concurrently displayed. Applicant argues, "Neither Greenfield nor Foreman discloses, teaches, or suggests the claimed element "a canvas, comprising a representation of the project, wherein the representation of the project comprises a plurality of selectable and spatially movable representations of the plurality of media clips that comprise the project, and wherein a location of a spatially movable representation represents where the media clip is displayed within the project. Greenfield discloses a canvas view in which the media clips are displayed and have the ability to be moved between the acts of a play. By moving a media clip representation from one act to another, the media clip (Table 1, column 11: e.g. music or sound effect) would be displayed in a different position on the project interface. The overwrite command disclosed by Fasciano is a composite command, because the track that is dropped on the existing track overwrites the current material (Figure 10A). Fasciano further provides an insert placement command which moves down the material that was originally present. The overwrite command composites the clip distinguished by stripes with the clip distinguished by dots in Figure 10A, creating a clip that is the combination of two clips. The replace command disclosed by Fasciano teaches the exchange command of Claims 104, 112, and 120. The combination of the references teach a drop menu including integration commands, which are displayed in response to no time period being selected and a drag and drop command. The replace command in Fasciano is relied upon to teach the functionality of the exchange command of these claims.